

### **REMARKS**

Claims 1-26 were previously pending in the application. Claims 1-22 have been rejected. Claims 22-25 have been withdrawn. Claims 2-3 have been canceled. Claims 1 and 21 herewith are amended. New claim 26 has been added. Claims presently active are, therefore, claims 1, 4 to 21, and 26. Favorable reconsideration of the application in view of the following remarks is respectfully requested

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested. To clarify the present invention, independent claim 1 has been amended by incorporation of the limitations of original claims 2 and 3. Independent claim 21 includes all the limitations of claim 1 and, in addition, has been further amended to require that the porous support comprises either a cellulosic paper contiguous with the lower surface of the ink-receptive layer or a synthetic non-woven fibrous sheet contiguous with the lower surface of the ink-receptive layer. New independent claim 26 also includes all the limitations of claim 1 and, in addition, requires that the porous support is a single layer, as supported on page 7, line 27, of the present specification. In addition, claims 1 and 21 have been amended to incorporate the definition of the support on page 7, lines 24 to 27, namely that the porous support is an integral material that supports the porous ink-receptive layer and includes the bottom surface of the inkjet recording element.

The present specification, on page 7, defines a support as an integral material that supports the image-receiving layer and includes the bottom surface of the inkjet recording element. The support either comprises a single layer or, if comprising more than one layer, comprises either (1) an adjacent layer that comprises at least 80% of the thickness of the element and/or (2) an adjacent layer that is either paper or a voided extruded polymeric film that is extruded, including optional co-extrusion with additional underlying layers in the support, wherein the adjacent layer forms the upper surface of the support and is the porous layer contiguous or in contact with the image-receiving layer. The support by itself is a self-standing material for

providing sufficient structural rigidity, whereas the image-receiving layer by itself is not a self-standing material, but is supported by the porous support. The support must provide sufficient rigidity, at least 15 milliNewtons as measured by the L&W 10-1 Stiffness Tester (Lorentzen and Wettre Co.) using the SCAN-p29 (Scandinavian Pulp, Paper and Board) method.

Relying on 35 U.S.C. §102(b), the Examiner rejected claims 1-21 as being anticipated by Wexler as evidenced by Landry-Coltrain et al. Applicants respectfully traverse the Examiner's rejection and request reconsideration. Applicants respectfully submit that a rejection for lack of novelty under Section 102(b) requires that the invention must be identically disclosed or described in the reference. Applicants respectfully submit that important and material limitations of their invention as claimed are not disclosed in the reference and that Wexler and Landry-Coltrain et al. do not disclose, teach, or suggest the present invention.

The purpose of the present invention is to provide a fusible ink-receiving layer (a single layer) that is directly over a porous support (no layer on top of the fusible layer). Wexler, in comparison, teaches at least two significant layers above a porous support. Even if the "ink-carrier liquid receptive layer" of Wexler (column 5, line 19 thorough col. 6, line 26) was viewed as a porous support, according to paragraph 4 of the final rejection, then two layers would exist above such support according to Wexler. In particular, Wexler requires, above the ink carrier liquid receptive layer, a fusible porous dye-trapping layer and a fusible, porous ink-transporting layer.

Furthermore, claim 21 requires that the porous support comprises either a cellulosic paper contiguous with the lower surface of the ink-receptive layer or a synthetic non-woven fibrous sheet contiguous with the lower surface of the ink-receptive layer. Wexler fails to teach or suggest such a material for the "ink-carrier liquid receptive layer." Finally, claim 26 requires that the porous support is a single layer. Clearly, Wexler teaches a support below the "ink-carrier liquid receptive layer," so that the "ink-carrier liquid receptive layer" of Wexler is distinguishable from and cannot possibly be the single layer porous support of the present invention, no matter how Wexler is sliced and diced in view of the present claims. The claims and

Abstract of Wexler refers to an "inkjet recording element having a support having thereon in order: a) at least one porous, ink carrier liquid receptive layer....(emphasis added)."

It is noted that the present claims also require that the lower surface of the ink-receptive layer is contiguous with the porous support and that the porous support is an integral material that supports the porous ink-receptive layer and includes the bottom surface of the inkjet recording element. Thus, the present invention explicitly and specifically requires that the porous ink receptive layer of the present invention is right next to, immediately adjacent to, the porous support.

In view thereof, it follows that the subject matter of the claims would not have been obvious over Wexler alone or in view of Landry-Coltrain et al. at the time the invention was made.

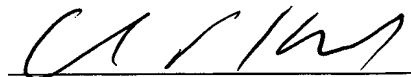
Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b).

Applicants have reviewed the prior art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable.

In view of the foregoing remarks and amendment, the claims are now believed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



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